Notice of Allowability	Application No.	Applicant(s)
	10/764,167	COE, JOTHAM WADSWORTH
	Examiner	Art Unit
	Sudhaker B. Patel, D.Sc.Tech.	1624
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to 8/23/04.		
2.  The allowed claim(s) is/are <u>1,2,8-10,13,14 and 5-6</u> .		
3. The drawings filed on are accepted by the Examiner.		
<ul> <li>4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some* c) None of the: <ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul> </li> <li>* Certified copies not received:</li> </ul>		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		
<ol> <li>A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.</li> </ol>		
<ul> <li>6. CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.</li> <li>(a) including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached</li> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</li> <li>7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the</li> </ul>		
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s)  1. ☑ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	5. ☐ Notice of Informal Pa	atent Application (PTO-152) (PTO-413),
Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date	Paper No./Mail Date 8), 7. 🗵 Examiner's Amendr	
4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	nt of Reasons for Allowance
of Biological Material	9. ☐ Other	

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## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Joran on 12/8/04.

The application has been amended as follows:

- (A). In claim 1 of amendment dated 8/23/04 delete figures 1, 2, 4, and 5.
- (B). Please delete claims 3,4 of amendment dated 8/23/04.
- ©. Please delete claims 11,12.

12/10/04

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2. The following is an examiner's statement of reasons for allowance:

- 3. Applicant's communication paper dated 8/23/04 is acknowledged.
- 4. Applicants have cancelled claims 3,4,7,11,12, amended claim 2, and added new claims 13-14. Therefore, the claims under consideration are the claims 1,2,5,6,8-10,13-14, which are renumbered as claims 1-9 respectively (see interview summary dated 12/8/04 attached with this communication).
- 5. The closest prior art reference of record Walter et al ( J. Med. Chem. 14/10, 1011-13(1971) teaches derivatives of Benzazocin which have utility as analgesics.
- 6. Walte does not indicate or suggest to arriving at the instanmt compounds with various R2/R3 meanings including R2/R3 making a fusion on to the a tricyclic benzazocin.
- 7. Therefore, the instant invention is deemed to be novel and patentably distinct.
  8.Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker B. Patel, D.Sc.Tech. whose telephone number is (571) 272-0671. The examiner can normally be reached on 6:30 to 5:00 pm (Monday-Thursday).

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- 10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mukund J. Shah can be reached on (571) 272 0674 or Sr. Examiner Mr. Richard Raymond at (571) 272 0673 or Mr. James O. Wilson at (571) 272-0661.
- 11. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 4556 for regular communications and 703 308 4556 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235.
- 12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sudhaker B. Patel, D.Sc. Tech.

December 10, 2004

SUPERVISORY PATENT

**EXAMINER** 

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